

JUN 13 2002



**UNITED STATES PATENT &
TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL
PROPERTY AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

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JUN 13 2002

OFFICE OF THE DIRECTOR
TC 3600

In re application of	:	DECISION ON PETITION
Andrew Hausman	:	TO MAKE SPECIAL
Application No. 09/584,045	:	(INFRINGEMENT)
Filed: May 30, 2000	:	
For: ELECTRONIC TRADING SYSTEM	:	
FOR ELECTRICITY FORWARDS	:	
	:	

This is a decision on the petition under 37 C.F.R. §1.102(d) to make the above-identified application special, filed on May 1, 2002.


The petition requests that the above-identified application be made special under the procedure set forth in MPEP 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market; (B) that a rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed May 1, 2002 lacks item (2) noted above. The required statements must be made by applicant, attorney, or assignee. The statements are made by Jessica Leerentveld. Although the declaration made by Ms. Leerentveld states: "I am authorized to make this statement on behalf of assignee Bloomberg,LP", such statement does not convey the actual authority to act on behalf of the assignee. An authorized officer of Bloomberg,LP or one having specific authority to act in behalf of the assignee must make the required statements. Furthermore, the statement regarding the rigid comparison of the claims of the application with the infringing system is based in part on hearsay and is therefore not acceptable.

In view of this deficiency, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should submit a renewed petition addressing the deficiency noted above.



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kjd:6/12/02